
Thailand: Senate blocks draft community forest bill

Thailand's Upper House of Parliament or Senate recently blocked the passage of the draft Community Forest Bill and proposed amendments that would prevent local people having a greater role in managing Thailand's forests and ultimately lead to the eviction of thousands of forest-dwelling communities.

The draft bill was approved by a majority of Members of Parliament (MP) in the Lower House earlier last year. But the senate amendments have forced the draft bill back to the Lower House for review by a committee comprising members of both the Upper and Lower Houses of Parliament.

The draft bill recognises the legal status of communities living in and around Thailand's National Forest Reserves and proposes the establishment of community forests by rural communities to manage forest areas in cooperation with the Royal Forestry Department.

The result of more than ten years of negotiations between government officials particularly the Royal Forestry Department (RFD), village people and nongovernmental organisations (NGOs), the draft community forest bill would be Thailand's first legislation recognising the rights of forest-based communities to use, manage and protect their forests.

The draft community forest bill is also one of the first pieces of legislation to use a Constitutional mechanism that allows local people to propose legislation with the support of 50,000 signatures --local people from all over Thailand gathered 52,698 signatures and presented the community forest bill to Parliament in early 2000.

Joni Odachao, a Karen leader, stated: "Village people proposed the draft community forest bill according to the Article 170 of the Constitution. But our senators have disheartened us."

The senate amended Articles 18, 29 and 31 in the draft community forest bill. Article 18 of the draft bill states that the right to propose an area of community forest is limited to groups comprised of at least 50 persons aged 18 and above from a traditional community that is native or indigenous to the area, which has been actively engaged in forest preservation for at least the previous five years. In fact, this Article evolved from Thailand's Constitution of 1997 that supports the participation of local communities in the management of natural ecosystems.

The senators amended the article by excluding communities living in "protected forest areas" such as areas declared as national parks, wildlife sanctuaries and classified watersheds.

Supporters of the bill say the exclusion of community forests from protected forests threatens the livelihoods of hundreds of rural people particularly ethnic communities who live in and around national parks and upland watershed areas.

Article 29 allows a community forest group to request changes to the boundaries of community forest areas for the improvement of its management plan, or for the revocation of the entire or part of a

community forest, provided valid and clear reasons are provided to the Community Forestry Committee.

The senators voted to prohibit any expansion of a designated community forest area. On Article 31, the senators stated that local communities require the permission of Thailand's Royal Forestry Department in order to gather forest products.

The bill's supporters say the prohibition on expansion of community forest areas and restrictions on forest use would discourage local forest protection initiatives and drastically limit the participation of forest-dependent communities in using, protecting and managing forests.

Senators who voted against the bill included Thailand's leading legal experts such as human rights lawyers Thongbai Thongpao and Sak Koseangreung and members of the Constitution Drafting Council such as Panas Tassaniyanond and Kaewsan Attibhoti.

Explaining his vote, Thongbai stated that he wanted to ensure the bill would not have a loophole to cause deforestation in the future. He told Thailand's English-language newspaper The Nation that: "For the present the forest dwellers could behave well in managing the forest, but in the next ten years when their community grows, how could they survive if they don't encroach on more forest areas?"

Both Kaewsan and Thongbai explained that they were concerned about the rights of people who had occupied plots of forest before the land was declared protected. "The community forest and communities in the forests are not the same issue. They should call on the government to revoke the protected status if they can verify that they occupied the land before the Royal Forestry Department declared the protected area," Kaewsan said.

Surapol Takham of the Northern Farmers Network, a coalition of local community organisations in north Thailand supporting the community forest bill, expressed disappointment with the Senate's views of the bill. "The public believes that the draft bill will divide and distribute the forests among villagers. In fact, the bill aims to make us responsible for protecting nature in our communities. It doesn't allow a person or group of people to live in, or make a living in the forest," he said.

Covering about 15-17 per cent of the total land area, Thailand's forest areas contain an estimated eight to 15 million people farming a quarter to a third of the country's agricultural fields. The country's protected area system comprising 119 national parks (excluding 27 marine national parks) and 55 wildlife sanctuaries cover more than 240,000 hectares.

More than 8,000 "community forests" all over Thailand are being used, protected and managed by local communities, some over several generations. The draft bill was intended to legalise these community forest areas and provide official recognition for local people's forest conservation efforts.

However, the RFD and some nature conservation groups such as the Dhammanat Foundation in North Thailand have consistently opposed the draft bill's proposal to establish community forests inside national parks, wildlife sanctuaries or classified watersheds.

For RFD officials and nature conservationists, rural people's forest-based activities such as gathering forest products, rotational farming or subsistence agriculture are considered inherently destructive.

Stemming from a “science of forestry” with its historical roots in the industrialised countries, the conservationist ideology separates forests from rural societies, local knowledge systems and livelihoods.

Through simplifying and reducing diverse local contexts and natural ecosystems, forests are divided into “wilderness” areas where human activity is strictly prohibited or areas for commercial activities such as logging or establishing commercial plantations for the timber and pulp industry.

The conservationist approach does not allow for a variety of conservation areas and village-level conservation activities that involve rural interaction and cooperative decision-making on the use and protection of natural ecosystems.

Such type of nature conservation groups and forestry officials therefore prefer village people living in forests to be either resettled or to have severe restrictions imposed on their use of forests.

The conservationist approach, however, has spectacularly failed either to prevent the continuing deforestation of Thailand’s remaining forests from widespread illegal logging involving powerful business interests or to support the forest-based livelihoods of rural communities.

The RFD’s previous attempts at forcible resettlement of communities living in protected areas have increased the impoverishment of local communities, worsened rural conflicts and caused further loss of forest areas as displaced people clear forests elsewhere.

Given the existing fierce antagonism of the RFD and some nature conservation groups to rural communities living in and using forest areas, the senate amendments pose a serious threat to the livelihoods of thousands of rural communities especially ethnic peoples as they face eviction and the loss of their homes, fallows, fields and forests.

Pinkaew Luangaramsri, an anthropologist in Chiang Mai University, explained that the Senate amendments reflect the increasingly powerful view of an elite in Thai society that is “anti-rural” and seeks to maintain forests for “wilderness conservation” and “recreation”.

“The debate on the draft community bill is essentially a class conflict: between rural communities who depend on forests for their livelihoods and an urban-based elite and middle-class that wants to preserve “wilderness” to be used for recreation, trekking and tourism,” she stated.

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